

### **REMARKS**

Applicant thanks the Examiner for the consideration given the present application. Claims 1-8 and 11-19 are currently pending. Claims 1, 2, 11 and 12 have been amended, claims 13-19 have been added and claims 9 and 10 have been cancelled through this reply. Claims 1, 2, 11, 12, 17 and 18 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seeks timely allowance of all pending claims.

#### **Rejection under 35 U.S.C. § 101**

The Office Action rejects claims 9 and 10 under 35 U.S.C. § 101. Claims 9 and 10 have been cancelled to render the rejection moot. Withdrawal of the rejection is respectfully requested.

#### **The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-4 and 8-12 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,359,650 to Murakami; and rejects claims 5 and 6 under 35 U.S.C. § 103(a) over Murakami in view of U.S. Patent No. 6,937,284 to Singh et al. (Singh). These rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, “focus state judging means for judging whether or not the focus state is capable of being measured and whether or not an image captured from imaging means is in a focus state if the focus state can be measured; and focus state display means for indicating information that indicates the focus state according to the focus state obtained by the focus state judging means on display means.” Independent claims 2, 11 and 12 recited similar subject matter. The applied references fail to teach or suggest the recited features of independent claims 1, 2, 11 and 12.

Murakami discloses a digital electronic camera (100) that comprises a photographing lens (1), a shutter (2), an electronic flash (3), an electronic viewfinder (EVF)(4) and an operation unit (5).

The camera includes an A/D converter (10) and a focus detection circuit (11). The electronic camera is for an image scanner, which allows character recognition. If an object to be photographed is not parallel to an image pickup surface, an in-focus state cannot be attained on the entire area of the object to be photographed. If an object to be photographed is not parallel to the image pickup surface, the out-of-focus amounts and directions of the respective area are displayed on the EVF 4.

The focus detection circuit (11) has five distance measurement areas A0, A1, A2, A3 and A4. See Figs. 2A and 2B and col. 4, lines 8-37. The distance measurement areas A1-A4 can be displayed with corresponding arrows and dots. The length of each arrow is divided into three steps and the length of the arrow can express the degree of an out of focus state in three steps. See Figs. 4A, 4B and 7 and col. 6, lines 51-64. However, Murakami fails to judge whether or not the focus state is capable of being measured and display the focus state when the focus state cannot be measured. Singh fails to cure the deficiencies of Murakami. Thus, The applied references, alone or in combination, fail to teach or suggest the recited features of independent claims 1, 2, 11 and 12.

For at least the reasons stated above, independent claims 1, 2, 11 and 12 are patentably distinct from the applied references. The dependent claims are at least allowable by virtue of their dependence on corresponding allowable independent claims 1, 2, 11 and 12.

Accordingly, withdrawal of the rejections of the claims based on the applied references is respectfully requested.

**New Claims 13-19 are Added**

New claims 13, 15 and 19, and 14 and 16 are patentable at least due to their dependence on allowable independent claims 1 and 2, respectively, and for the additional features they recite.

Independent claims 17 and 18 contain all of the features of allowable independent claims 1 and 2, respectively. Thus, claims 17 and 18 are patentable for the same reasons as independent claims 1 and 2, respectively.

**Conclusion**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Obert H. Chu, Reg. No. 52,744, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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